

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN DOE,	:	CIVIL DIVISION
	:	
Plaintiff,	:	
	:	Civil Action No. 2:17-CV-01574
v.	:	
	:	
CARNEGIE MELLON UNIVERSITY,	:	JURY TRIAL DEMANDED
	:	
Defendant.	:	
	:	

CONSENT MOTION FOR AN EXTENSION OF TIME TO SERVE COMPLAINT

Plaintiff John Doe (“John”), by the undersigned, files this Consent Motion for an Extension of Time to Serve Complaint, stating, as follows:

1. John initiated the instant action on December 4, 2017, by filing a Verified Complaint, bringing claims against Defendant Carnegie Mellon University (“CMU” or “the University”), including declaratory relief claims for breach of contract, violations of Title IX, and Due Process violations. See, Docket Entry 1.

2. The claims set forth in the Verified Complaint related to, among other things, a then upcoming disciplinary hearing to be conducted by CMU, which was scheduled for December 6, 2017.

3. The findings and result from the hearing that was ultimately held on December 6, 2017 were provided to John on January 8, 2018.

4. On or before January 23, 2018, both John and Jane Doe, the student whose complaint gave rise to the disciplinary proceedings against John, appealed the result of the December 6, 2017 hearing through the University’s internal process.

5. To date, the University has not made a final determination regarding either of the appeals and, as such, the issues set forth in John's Verified Complaint remain unsettled and ongoing.

6. Presently, the deadline for John to serve the Verified Complaint is March 4, 2018, which is ninety days after the date of filing.

7. This Court may extend the time for service of a complaint if the plaintiff shows good cause for doing so. See, Fed.R.Civ.P.4(m).

8. The claims in the Verified Complaint are declaratory in nature and, depending upon the result of the pending appeals, the pursuit of those claims may no longer be necessary. Similarly, based on the outcome of the appeals, it could also be necessary to amend the claims in the Verified Complaint to include facts and issues that have taken place since the December 6, 2017 hearing and through the present date, as the claims will no longer be declaratory in nature.

9. Thus, at this point in time, John submits it would not be prudent for him to serve the Verified Complaint that will require a response from CMU to causes of action that will likely need to be amended or, alternatively, may no longer be pursued once resolution of the underlying internal University proceedings is complete.

10. Due to the foregoing, and the ongoing nature of the University proceedings and unresolved issues resulting from the same, there is good cause for an extension of time to serve the Verified Complaint.

11. Moreover, CMU, through counsel, has consented to an extension of time to serve the Verified Complaint. See, E-mail Communication from Catherine Ryan, attached hereto as **Exhibit A**.

12. John thus respectfully moves this Court to grant this Motion and to extend the time for John to serve the Verified Complaint for a period of sixty days.

Dated: February 27, 2018

Respectfully submitted,

LEECH TISHMAN FUSCALDO & LAMPL, LLC

By: /s/ Timothy J. Lyon
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